



## **FREMONT PLANNING BOARD**

**May 21, 2008**

### **Meeting Minutes**

Approved May 28, 2008

Present: Chairman Roger Barham, Co-Chair and CC Rep. Jack Karcz, Selectman Gene Cordes, Members Leon Holmes, Jr., John (Jack) Downing, Alternate Salvatore Angelone, Building Official Thom Roy, RPC Circuit Rider David West and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham called the meeting to order at 7:05 pm and appointed Mr. Angelone as a voting member of the Board in Mr. Pitkin's place for this meeting.

#### **MINUTES**

Mr. Downing made the motion to amend the minutes of the April 23, 2008 meeting by adding "and subdivision" to "Conditions of Approval for Site Plan Review" on page 7 so the sentence would read in part "Conditions of Approval for Site Plan Review and Subdivision".

Motion seconded by Mr. Cordes with unanimous favorable vote except for Mr. Angelone who abstained as he was not present at that meeting.

Mr. Downing made the motion to approve the minutes of the April 23, 2008 meeting as amended.

Motion seconded by Mr. Karcz with unanimous favorable vote except for Mr. Angelone who abstained as he was not present at that meeting.

There was no quorum of Members present for the scheduled May 7, 2008 meeting, therefore there were no minutes to approve. There were general conversations with no decisions made relative to the Master Plan, Capital Improvements Program, Galloway gravel operation and parking regulations for Site Plan Review.

#### **GRAVEL PITS**

**PJP CO, INC.**

Map 2 Lot 156-2

Mr. Karcz reported that on April 17, 2008 he and Mr. Downing met with Dan Olson at the site of the PJP Excavation operation on Rt 107, Map 2 Lot 151.2, and conducted a site visit. It was noted that the expiration date for this excavation operation is July 1, 2008.

Mr. Karcz noted the comments and recommendations that were on the comment sheet which were:

*Restoration of the already excavated area was proceeding. We discussed reference point and presently used small pond. We would prefer a monument established near the pond. We also discussed the renewal of permits that would go from July 1 to July 1. After returning to the Town Office, we discussed the need for a barrier at the top of the ledge for safety.*

Recommendations:

*We would recommend putting a monument to mark the water level. Recommend putting some sort of barrier oat the top of the ledge to prevent an ATV going off the edge.*

Mr. Cordes asked if the entire parcel, or part of it, is out of current use and suggested that the Board get that information.

Mr. Cordes made the motion to send a letter to Mr. Olson requiring that he put up a permanent benchmark to show the seasonal high water table and that he restrict access in the area of the vertical drop.

Motion seconded by Mr. Holmes with unanimous favorable vote.

After further discussion by the Board, Mr. Downing made the motion to approve the application for the renewal of the Excavation Permit of PJP, Company, Inc. for Map 2 Lot 151.2 with an expiration date of July 1, 2009 provided that the following conditions are completed by the June 18, 2008 Planning Board meeting.

1. That a permanent benchmark is installed to indicate the seasonal high water table
2. That access is restricted in the area of the vertical drop.

Motion seconded by Mr. Angelone with unanimous favorable vote.

MERRILL, GEORGE/Fremont Park  
Map 5 Lot 014

Mr. Karcz reported that on April 17, 2008 he and Mr. Downing met with Gary Merrill at the site of the Merrill Excavation operation on Beede Hill Road at Map 4 Lot 015, and conducted a site visit. It was noted that the expiration date for this excavation operation is July 1, 2008.

Their written comments were:

*The road had been raised to meet the 4 foot above water table. The trees for the remaining area except area #6 had been cut down. The area on the sides of the road had been covered with loam and ready to be seeded. We discussed that the permit would be extended to July 1<sup>st</sup>. He eventually expects to get to area #6, but will need a wetlands crossing.*

Recommendations:

*We believe he should continue digging test pits every year for the area to be excavated that year to maintain the 4 foot above high water. Applicant should correct his application since he stated "0" yards to be removed, yet stated to us he may remove 5,000 yds this coming year.*

Mrs. Bolduc stated that Mr. Merrill has changed the permit from 0 to 7,000 cu yds to be removed.

Mr. Barham reiterated that the Board has received:

1. January 23, 2008 correspondence from Tim Peloquin of Promised Land Survey stating that he has flagged and marked the corners of the property boundaries per a reference plan #D-4977.
2. February 12, 2008 correspondence from Gary Merrill relating that they have filled in the area which was low from last year and have recently dug new test pits for this year which will be forwarded to the Board.
3. March 24, 2008, test pit log sheet and map of location from Tim Peloquin of Promised Land Survey. According to the 1986 Court Order there is a 4' excavation depth. The test pit log showed at least 2 areas that need to be brought up to that required 4' level. The map showed 7 numbered areas of excavation. This was reviewed by the Members and it was noted that the 2 test pits have been dug on area #7.

Mr. Roy suggested that a condition of this permit could be that the owners continue submit test pit information and data.

Mr. Downing motioned to approve the application for the renewal of the Excavation Permit of PJP, Company, Inc. for Map 2 Lot 151.2 with an expiration date of July 1, 2009 with the condition that the owner continue to dig test pits every year, for the area to be excavated that year, to maintain the four (4) foot above high water table and submit that data with his permit renewal application. All conditions of the original permit apply. Motion seconded by Mr. Angelone with unanimous favorable vote.

JOHN GALLOWAY  
Map 5 Lot 035

Mr. Karcz reported that on May 1, 2008 he and Mr. Downing met with John Galloway and Robert Kelly, PE the site of the Galloway Excavation operation on Shirkin Road, Map 5 Lot 35, and conducted a site visit. It was noted that the expiration date for this excavation operation is July 1, 2008.

Their written comments were:

*Still proposing to remove the ledge surrounding the Seacoast Farms operations. There has been little removed this past year. Some material is to be removed in an area to the south of the ledge area. Mr. Kelly and Mr. Galloway stated that the pit area was 4 feet above high water mark. His new map may be based on old aquifer information; if so he would have to be 8 feet above the high watermark.*

Recommendations:

*Determine if the Seacoast Farms area is in the new aquifer protection area. Is Mr. Kelly a Soil Scientist so he can say we are 4 feet above the high water mark?*

The April 15, 2008 site plan that plan drawn by W. Robert Kelly, PE. relative to the John Galloway gravel operation on parcel 5-35 in Fremont, entitled "Sketch Plan of Land, Parcel 5-35, Fremont, NH Site Layout and Elevations" was used as a reference at the site visit. It was noted and recognized by the Board Members that this is not a recorded plan and is not stamped by a Soil Scientist, but appears to be a duplicate of the November 1, 2005 drawing submitted by Mr. Kelly for site review for Seacoast Farms Compost Products entitled "Sketch Plan of Land, Parcel

5-35, Fremont, Pad and Site Layout”. Notes on the sketch plan for the gravel operation state: 1) Wetland boundaries from 1987 site development plan and as approved by Fremont Planning Board in 1999; 2) Tree line and rock face boundaries per July 2002 survey; 3) Watershed Protection District boundary shown 100 feet from wetlands boundary per town ordinance; 4) Pit floor and seasonal wetland spot levels per survey taken April 14, 2008 by W. Robert Kelly, P.E. The Seacoast Farms Compost operation was discussed as it is on the same property as the Galloway gravel operation. Mr. Cordes said that he has been to the site and found that on the far side as you go into Seacoast Farms and the backside of the windrows is wet and there is some standing water. He was out there as a member of the Board of Selectmen and it was obvious that the wetlands encroach on the compost operation and Mr. Kelly agreed to flag the wetlands boundary.

Mr. Karcz said that Mr. Kelly has maintained that the Galloway gravel operation has not excavated beyond the 4’ above the seasonal high water table. Mr. Downing said that the Galloway excavation includes some blasting of ledge. Mr. Barham stated that the Board has previously agreed that rather than to require a test pit, a benchmark would suffice to determine where seasonal high water table is.

Mr. Downing stated the Mr. Galloway said he has a quarry, not a gravel pit. Mr. Roy stated that this is a gravel pit and the Planning Board has no jurisdiction over quarries. Mr. Angelone said the State regulates a quarry.

Mr. Downing made the motion to require that Mr. Galloway 1) establish the seasonal high water table then benchmark it 4’ above; 2) fieldmark the wetlands and then submit a plan drawn by a Professional Engineer or Licensed Land Surveyor and stamped by a Certified Soil Scientist identifying the delineation of the wetlands.

Motion seconded by Mr. Angelone with unanimous favorable vote.

The Board agreed that Mr. Galloway be notified in writing that if the requirements stated above are completed prior to the July 1, 2008 expiration date then the permit renewal can be granted.

## COOPERS CORNER

Map 3 Lot 037-3

Mr. Karcz reported that on May 1, 2008 he and Mr. Downing met with John Wilder and Building Official Thom Roy at the site of the Cooper’s Corner Excavation operation Phase II at Map 3 Lot 037-3, and conducted a site visit. The original April 14, 2005 excavation plan drawn by Eric Mitchell & Associates was used as reference for the site visit. It was noted that the expiration date for this excavation operation is July 1, 2008.

Their written comments were:

*Visited site on the west side of Spaulding Road. He doesn’t expect to take out much material this year. Most of what’s there will be used to bring it up 4 feet. We requested that he dig a test pit in the area near where we were standing to establish a reference point. There was discussion about filling some of the holes created.*

Recommendations:

*We require a test pit to be dug to determine the high water table for future reference. The area could use some sprucing up.*

After some conversation Mr. Karcz motioned that Mr. Wilder be required to dig a test pit and submit the data and grade the completed excavation area prior to the June 18, 2008 Planning Board meeting and the July 1, 2008 expiration date.

Motion seconded by Mr. Holmes with unanimous favorable vote.

There was a discussion relative to the fact that the original excavation permit was granted (April 20, 2005) for the Map 3 Lot 037 portion of the Cooper's Corner project, although the permit stated that the area to be excavated was at lot 037-1. The 2006 renewal stated that the area excavated during the past year was that of lot 037-1 and the area to be excavated during the next year was on lot 037-3; the 2007 renewal stated the area excavated during the past year and to be excavated during the next year was on lot 037-3; the 2008 renewal states the same as 2007.

It was agreed that it be clear that the permit renewal is for Map 3 Lot 037-3 only.

After further discussion by the Board, Mr. Downing made the motion to approve the application for the renewal of the Excavation Permit Cooper's Corner for Map 3 Lot 037-3 with an expiration date of July 1, 2009 provided that the following conditions are completed by the June 18, 2008 Planning Board meeting.

1. That the owner dig a test pit for the area to be excavated to maintain the four (4) foot above high water table and submit the test pit log sheet, data report and map of location to the Planning Board.

2. That the owner grade the completed excavation area.

Motion seconded by Mr. Angelone with unanimous favorable vote.

#### SIGN ORDINANCE

There was a conversation relative to the newly approved sign ordinance. The Board agreed that there are several categories of businesses that would be affected by the sign ordinance and each would have a process. Owners would be expected to meet with the Planning Board for the placement of all new signs.

Category 1; The owner of an existing business that has already been through Site Plan Review but does not have a sign could submit to the Board a drawing showing the sign type, size and where the sign would be. This could be done without a public hearing.

Category 2; The owner of a business that is illegal because it was begun after the 1987 adoption of the Site Plan Review regulations and has not done Site Plan Review needs to go through the Site Plan Review process.

Category 3; The owner of a grandfathered business (that was in existence prior to the 1987 adoption of the Site Plan Review regulations) who wants a sign and doesn't already have one could submit to the Board a drawing showing the sign type, size and where the sign would be. This could be done without a public hearing.

#### ENERGY COMMITTEE

Mr. Cordes stated that he met with the Energy Committee and they are waiting for Mr. Barham to send a draft report for an Energy Chapter of the Master Plan. Mr. Barham will contact Bob

Larson for a draft of the last proposal and get back to the Energy Committee.

## MASTER PLAN

### Community Facilities Chapter

Mrs. Bolduc stated that additional feedback has been requested from all of the departments involved with the Communities Facilities Chapter with a May 28, 2008 date of submittal. This will be on the June 4, 2008 agenda.

### Housing Chapter

This chapter is contracted, but has not been started yet. Mr. West said the contract is due in December, 2008.

### Implementation and Action Plan Chapter

Mr. West reported that he has applied apply to CTAP for \$1,500 to fund the creation of an Implementation and Action Plan Chapter of the Master, but has not heard from CTAP relative to the approval of the fund.

### Land Use Chapter

Mr. West stated that he will draft an update to the Land Use Chapter to the Master Plan. He submitted the Land Use Maps. He said that he needs input from the Board for future land use portion of this chapter. He can bring the projector with the GIS or we can do it on a paper map. This will be put on agenda for the next meeting.

## INNOVATIVE PLANNING TECHNIQUES

Mr. West reported that Clay Mitchell, Planner for Epping has agreed to meet with the Board relative to the Innovative Planning Techniques. The initial cost for Mr. Mitchell's fee would be funded by the Planning Board and Mr. West stated that the actual work on the Innovative Planning Techniques portion of the Master Plan would be funded by Regional Environmental Protection Priorities through RPC.

Mr. Karcz made the motion to authorize funding of \$150 from the professional service line of the current budget to hire Clay Mitchell come to talk and/or do a PowerPoint presentation for the Board relative to the Innovative Planning Techniques.

Motion seconded by Mr. Angelone with unanimous favorable vote.

Mr. Cordes suggested, and the Board agreed, that the Energy Committee be invited to this presentation.

## FRED LECLAIR

### Map 2 Lot 77-1

Mr. Holmes reported that he was approached by Fred Leclair, relative to taking gravel from his property on Red Brook Road, Map 2 Lot 077-1. He stated that Mr. Leclair related that he does not feel he needs to get a gravel permit because his property was an old gravel operation, is an agricultural use and/or incidental to the construction of a building. Mr. Roy stated that Mr.

Leclair has been stopped from taking gravel off the property, but he still wants to sell gravel to the Town. There was a discussion by the Board and it was agreed by the Members that if Mr. Leclair thinks he is not proposing a gravel operation or if he thinks he should be exempt because of is incidental to agricultural activities or the excavation is exclusively incidental to the construction of a building he should meet with the Planning Board and explain why.

#### RPC COMMISSIONER

Mr. Barham reported that Fremont's Commissioner to RPC Peter Bearse came to the May 7, 2008 non-meeting and related that he had attended the April 9, 2008 Regional Planning Commissioners meeting and items on that agenda included:

1. A hearing relative to the need to coordinate public transit with human services transportation needs which was based on a survey of provider agencies as well as a transportation planning process for the Metropolitan Planning Organization. He left a draft prospectus for the Board.
2. Land Use Mapping project
3. HB 1472 goals to achieve a balanced supply of housing. Mr. West stated that this bill will be voted on in the House on May 14, 2008. There was a general conversation relative to this bill which, Mr. West stated, is geared toward workforce housing rather than low income housing. This bill will go into effect one year after it's passing to give the Town time to get the zoning ordinances into compliance with this. Mr. Bearse left a copy of the bill and a schedule of the RPC meetings.
4. Park & Ride from Epping to the beach.

Mr. Bearse also said that he attended the May 5, 2008 Shoreland Protection Act workshop at the Brentwood Community Center. He submitted the Commissioner folder left by his late wife, Brande McLean.

Mr. West reported that HB 1472 (workforce housing) passed in the House on May 14, 2008.

#### RPC CONTRACT

Mr. Barham reported that the Board received the 2008-09 RPC Circuit Rider Services Contract in the amount of \$12,475 for 15 months. The current contract is \$9,900 for 12 months. The Board also received a May 21, 2008 correspondence from Town Administrator Heidi Carlson explaining that RPC is transitioning to a July 1 fiscal year which is why this contract covers a period of 15 months rather than 12. Heidi related that a non-appropriation clause should be added to the contract because we would be committing to \$2,575 that we do not have appropriated and cannot be agreed to without the clause. That sum of money will need to be added to the 2009 calendar year budget, along with the balance due for the period of time July 1, 2009 through December 31, 2009. Heidi further related that that if the Board chose, they could sign the contract and send it back to her and she will add the language of the non-appropriation clause before the Selectmen sign it. The Board collectively agreed with Heidi's suggestion.

Mr. Holmes made the motion to approve the RPC contract for the amount of \$12,475 subject to the addition of the non-appropriation clause and authorize Mr. Barham to sign it.

Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Barham signed the contract and it will be forwarded to Heidi.

CORRESPONDENCE

1. A copy of the NHDES Alteration of Terrain Permit # WPS-7404A issued on May 2, 2008 for the Black Rocks Village, Map 3 Lots 15-1, 15-2 and 15-3. This is an amendment to the original permit #WPS-7404 issued on March 2006 due to an extension of time and change of ownership.

Mr. Holmes made the motion to adjourn at 9:55 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Secretary